

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation
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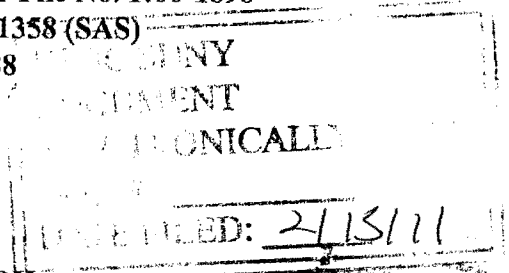
This document relates to:

*Quincy Community Services District v. Atlantic
Richfield Co., et al.*, 04 Civ. 4970

Master File No. 1:00-1898

MDL 1358 (SAS)

M21-88



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**PLAINTIFF AND DEFENDANT KERN OIL
& REFINING CO.'S JOINT MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

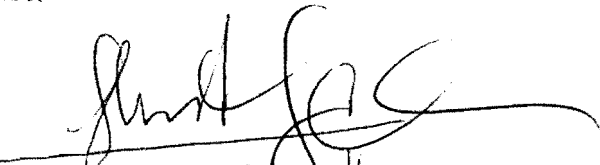
Plaintiff Quincy Community Services District ("Plaintiff") owns and operates a drinking water system(s) that supplies water to residential users within its service area. Plaintiff alleges that its water supply is impacted and/or threatened by MTBE contamination. Because this matter is not a "focus case", minimal discovery or other work has been conducted in this matter.

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and Defendant Kern Oil & Refining Co. now jointly move for dismissal without prejudice. Plaintiff has decided not to pursue its MTBE claims against Kern Oil & Refining Co. at this time. Plaintiff and Kern Oil & Refining Co. have agreed that Plaintiff may refile MTBE claims against Kern Oil & Refining Co. in the event that Plaintiff, upon receipt of further information, determines that the MTBE claims against Kern Oil & Refining Co. are meritorious. Plaintiff and Kern Oil & Refining Co. ask the Court to dismiss Plaintiff's

MTBE claims against Kern Oil & Refining Co. without prejudice, with each party to bear its own costs. Plaintiff and Kern Oil & Refining Co. agree that this request is reasonable and prejudices neither Plaintiff nor Kern Oil & Refining Co.

DATED: May 24, 2010

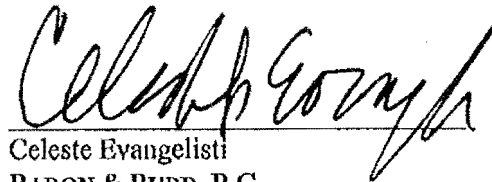
The Court entered the attached Order to Dismiss. Therefore, The Clerk of the Court is directed to close this motion [document 102].


Hon. Shira A. Scheindlin
U.S.D.J.

February 14, 2011
New York, New York

RESPECTFULLY SUBMITTED,

by:



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